

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CARL FOX, III

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10cv126-DPJ-FKB

UNITED STATES OF AMERICA

DEFENDANT

ORDER

This matter came before the Court on this date for a motion hearing. The hearing has not been concluded, and for the following reasons: Plaintiff Carl Fox is held in civil contempt.

Mr. Fox has been repeatedly warned to cease derogatory remarks regarding the Court and counsel opposite. Throughout this litigation, Mr. Fox has often questioned the integrity of the Court. Early on, his inappropriate comments related to Magistrate Judge Mike Parker. More recently he has questioned the integrity of the undersigned. He has also offered a barrage of comments directed to counsel opposite, prompting the Government to file three motions [189, 190, and 192] to strike “impertinent, and scandalous accusations.” The Court denied those motions on October 17, 2012, noting Mr. Fox’s *pro se* status and the need to focus the case on the main issues, but the Order [216] warned that “[f]uture abuses may subject Fox to appropriate sanctions.” About one week later Mr. Fox filed a document [218] in which he again questioned the Court’s integrity and baited the Court to “[s]anction me” Other derogatory remarks have continued in his submissions, and additional comments during the July 25, 2013 pretrial conference promoted yet another warning. The Court advised Mr. Fox that it did not want to hold him in contempt but that he had to stop making derogatory comments. Despite this warning, Mr. Fox filed a letter [272] three days later in which he continued his attacks on the

Court and stated, “the hell with you all.” He further stated, “You did your Jobs, sirs. Sanction me. Put me into contempt.”¹

Today, Mr. Fox continued his inappropriate behavior. And though the Court did not initially sanction him, he was told that derogatory comments directed to the Court would not be tolerated. He was then given an opportunity to make his argument, but immediately made the same derogatory comment that drew the warning and essentially asked to be held in contempt.

Based on this conduct, the Court found Mr. Fox in contempt and ordered his incarceration for one hour. At the conclusion of the one hour, Fox informed a Deputy United States Marshal that he would not leave his cell and would not conclude the hearing in a civil manner. Because the day was drawing to a close, the Court informed Mr. Fox that the hearing was almost over and that he could be released if he would simply return to the courtroom and act civilly, but that if he could not, then the Court would have no choice but to keep him in custody over night. Mr. Fox chose custody.

IT IS, THEREFORE, ORDERED, that Plaintiff Carl Fox is in civil contempt until he informs the Court that he can conclude the hearing without further interruption. The matter will be heard again on August 6, 2013, at 9:30 AM.

SO ORDERED AND ADJUDGED this the 5th day of August, 2013.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

¹This history is offered for context. Mr. Fox was held in civil contempt for his conduct at today’s hearing.